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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:1215 of 2006

DATED: 17-11-2006

Between:

1. V.Yedukondala Raju and 7 others.

..... APPELLANTS

AND

1. The Krishna District S.C.Co-operative Society Ltd., Machilipatnam, Krishna District, rep.by its District Collector/Chairman, Krishna District and 2 others.

.....RESPONDENTS

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JUDGMENT:(per The Hon'ble Sri Justice B.Prakash Rao)

The appellants who are the writ petitioners seek to assail the orders dated 18-10-2006 vacating the ad-interim *ex parte* orders granted by the learned Single Judge pending the writ petition, where the challenge was made in regard to the proceedings dated 06-06-2006 by the District Collector sending fax to the office of the Mandal Development Officer.

The case of the appellant-petitioners is that they are the employees of the society and therefore, the question of disturbing them from the society is wholly unsustainable. Further, it has been pointed out that in pursuance of the orders of the District Collector, the Block Development Officer has appointed the petitioners.

However, the learned Single Judge after going into the merits found that there will be no such appointment by the society and the appointment by the BDO is totally independent, therefore, the appellants cannot seek any indulgence as such, and ultimately, vacated the interim orders. Hence, this appeal.

Having heard the learned counsel and also on perusal of the material available on record, we are of the opinion that prima-facie there is no appointment by the society itself and therefore, the appellant's claim as they are employees of the society is not sustainable. All these and other questions as sought to be raised can be raised in the writ petition and the same will be considered and finally disposed of. Hence, we are not inclined to interfere in the writ appeal.

The writ appeal is accordingly dismissed. However, the Office is directed to expedite the hearing of the writ petition and post for final hearing on 22-01-2007. No costs.

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B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

17th November, 2006

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